

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DARNELL E. WILLIAMS and YESSENIA M.)
TAVARES,)
Plaintiffs,)
v.) C.A. No. 16-11949-LTS
ELISABETH DEVOS, *in her official capacity as*)
Secretary of Education,)
Defendant.)

)

MOTION FOR LEAVE TO FILE COMBINED RESPONSE/SUR-REPLY

Defendant Elisabeth DeVos, in her official capacity as Secretary of Education, by and through her attorney, Andrew E. Lelling, the United States Attorney for the District of Massachusetts, hereby seeks leave to file a short combined response/sur-reply of not more than seven (7) pages to the recent filings by the Plaintiffs and the Commonwealth.

As grounds for this motion, Defendant states:

1. Following the parties' report of settlement to the Court (Document No. 112), the Commonwealth filed a motion to enforce the Court's order on behalf of non-parties pursuant to Rule 71 and/or to intervene pursuant to Rule 24 (Document Nos. 115 and 116).
2. On March 27, 2019, Defendant opposed the motion (Document No. 122) and the Plaintiffs filed a "Response" to the motion, supporting the Commonwealth's position (Document No. 123).
3. On April 4, 2019, the Commonwealth filed, with the assent of all parties, a reply memorandum.
4. Upon review of the Plaintiffs' March 27, 2019 filing and the Commonwealth's reply memorandum, Defendant submits that a short response/sur-reply is necessary to address, *inter alia*,

the Commonwealth's standing argument and the Plaintiffs' reference to two unnamed borrowers as evidence of the Secretary's alleged non-compliance with the Court's order. For this reason, Defendant requests leave to file a short brief, up to seven (7) pages, on or before April 12, 2019.

5. The Commonwealth assents to this request.

6. Plaintiffs take no position on the motion.

WHEREFORE, Defendant respectfully requests that the Court grant her leave to file a response/sur-reply, up to seven (7) pages, on or before April 12, 2019.

Respectfully submitted,

DEFENDANT ELISABETH DEVOS, in her official capacity as Secretary of Education,

By her attorney,

ANDREW E. LELLING
Acting United States Attorney

By: /s/ Jessica P. Driscoll
Jessica P. Driscoll, BBO No. 655394
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Dated: April 5, 2019

Local Rule 7.1 Certificate

I hereby certify that I contacted Massachusetts Assistant Attorney General Timothy Hoinink, who indicated that the Commonwealth assents to the motion, and Plaintiffs' attorneys, Eileen Connor and Toby Merrill, who indicate that Plaintiffs take no position on the motion.

/s/ Jessica P. Driscoll
Jessica P. Driscoll
Assistant United States Attorney

Dated: April 5, 2019

CERTIFICATE OF SERVICE

I, Jessica P. Driscoll, Assistant United States Attorney, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants by First Class Mail.

/s/ Jessica P. Driscoll

Jessica P. Driscoll

Assistant United States Attorney

Dated: April 5, 2019